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10/737,316	12/16/2003	Raymond R. Hornback JR.	IBM-007	5949

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EXAMINER

LIU, LIN

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,316

Applicant(s)

HORNBACK ET AL.

Examiner

Lin Liu

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/17/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/16/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

ETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse with group I of claims 1-9 and 15-17 in the reply filed on 05/17/2007 is acknowledged.
2. Claims 10-14 and 18-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/17/2007. A complete reply to this office action must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

4. Claims 15-17 are objected to because of the following informalities: Claim 15 recites "... configuring one of the system components...". This claim has no reference of "the system components" but rather "the software components". For the purpose of examination, examiner treats it as "the software components".

Appropriate correction is required.

5. Claims 16 and 17 are depended on claim 15, thus they are objected for the same reason.

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "software components 60" (see Specification, page 8, paragraph 00024). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Réplacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to because the part numbers for "screen capture component 60a", "change detector component 60b", "image compression component 60c" and "data transport component 60d" are mislabeled (see Specification, page 8, paragraph 00024 to page 9 paragraph 00026). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must

be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims recited "... administrator preference limits ...", it is vague and unclear what method/process applicant is intending to encompass.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1- 5, 9, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Popa (Patent no.: US 6,006,231)**.

Consider **claim 1**, Popa teaches a method for configuring and dynamically adapting an application sharing system (Popa, fig. 3) comprising a plurality of computers in communication over a network, one of the computers having a plurality of system components and sharing an application with at least one other computer over the network, one of the system components adapted to provide feedback to the shared application, the method comprising:

determining a preference for the shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image);

monitoring a feedback from the one of the system components (Popa, col. 5, lines 50-55, and col. 6, lines 7-20, noted that the server application monitors the request message from the client, and the preference of the image size and resolution picked by the user); and

configuring one of the system components in response to the determined preference and the monitored feedback (Popa col. 6, lines 14-30, noted that based on the alteration of the user's choice, server application configures its setting by transferring the difference between the high resolution image and the original image).

Consider **claim 2**, Popa teaches the method of claim 1 wherein the system component comprises one of a compression algorithm (Popa, col. 6, lines 38-44), a

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change detection algorithm, a screen capture device and a data transport type (Popa, col. 6, lines 37-38, communications protocol, TCP/IP).

Consider **claim 3**, Popa teaches the method of claim 1 wherein the preference is a user preference (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image, and this image formation is sent as a request over the communication network to the server).

Consider **claim 4**, Popa teaches the method of claim 3 wherein the user preference defines at least one of an image quality (Popa, col. 6, lines 1-6, image resolution) and a latency.

Consider **claim 5**, Popa teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Popa, col. 6, lines 1-6, image resolution).

Consider **claim 9**, Popa, teaches the method of claim 1 further comprising selecting the preference for the shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image).

Consider **claim 15**, Popa teaches an apparatus for use in configuring and dynamically adapting an application sharing system having a plurality of software components, the apparatus comprising:

means for determining a preference for a shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image);

means for monitoring a feedback from one of the software components (Popa, col. 5, lines 50-55, and col. 6, lines 7-20, noted that the server application monitors the request message from the client, and the preference of the image size and resolution picked by the user); and

means for configuring one of the software components in response to the preference and the feedback (Popa col. 6, lines 14-30, noted that based on the alteration of the user's choice, server application configures its setting by transferring the difference between the high resolution image and the original image).

Consider **claim 16** the limitations of this claim are substantially the same as those in claim 3. Therefore the same rationale for rejecting claim 3 is used to reject claim 16. By this rationale **claim 16** is rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
14. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Popa (Patent no.: US 6,006,231)** in view of **Boston et al. (Publication no.: US 2004/0101272 A1)**.

With respect to **claim 6**, Popa teaches a server API contains a graphical user interface specific functions designed for the development of the image application (Popa, Col. 7, lines 19-25). But he does not explicitly teach a method of allowing an administrator to set the administrator preference.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston through the server API GUI provided in Popa's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 7**, Popa teaches all the claimed limitations except that he does not explicitly teach a maximum data rate.

In the same field of endeavor, Boston teaches a data rate that each channel can support (Boston, page 9, paragraph 0079).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the use of the data rate transmission as taught

by Boston in Popa's invention as the condition in limiting the selection of the user's preference in selecting the images. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

With respect to **claim 8**, Popa teaches a method of limiting the selection of a user preference according to an image compression type (Popa, col. 6, lines 2-4, noted that predefined options). However, Popa does not explicitly teach a method of allowing an administrator to set the administrative preference in limiting the selection.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston to limit the selection of user preference in Popa's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

Consider **claim 17** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 17. By this rationale **claim 17** is rejected.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- Gadepalli et al. (Publication no.: US 2003/0191860 A1) discloses a method of accelerating collaboration of high frame rate applications.
- Burman et al. (Publication no.: US 2001/0010059 A1) discloses a method for determining travel time for data sent between devices connected to a computer network.
- Orenshteyn (publication no.: US 2002/0169878 A1) discloses a method in accessing application services from a remote station in a secured system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447.


The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.Liu
05/24/2007


JASON CARDONE
SUPERVISORY PATENT EXAMINER